

Panaji, 9th March, 1978 (Phalguna 18, 1899)

SERIES I No. 49

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU,

Law Department (Legal Advice)

Notification

LD/Bill/12/15/77

The following Acts which were passed by the Legislative Assembly and assented to by the President of India on 18-2-1978 are hereby published for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 1st March, 1978.

The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Act, 1977

(Act No. 1 of 1978) [18-2-1978]

AN

ACT

further to amend the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Act, 1977.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In sub-section (1) of section 3 of the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (4 of 1965) (hereinafter referred to as the principal Act), for the words “regarding residence and motor-car”, the words “regarding residence, motor-car and travel” shall be substituted.

3. *Amendment of section 5.*— In section 5 of the principal Act, for the words, “regarding residence

and motor-car”, the words “regarding residence, motor-car and travel” shall be substituted.

Secretariat,

Panaji,

28th February, 1978.

K. C. D. GANGWANI

Secretary to the Government
of Goa, Daman and Diu.
Law Department (Legal Advice)

The Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Act, 1977

(Act No. 2 of 1978) [18-2-1978]

AN

ACT

further to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Act, 1977.

(2) It shall come into force at once.

2. *Amendment of the Schedule.*— In the Schedule to the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 (3 of 1965) after paragraph 3, the following paragraphs shall be inserted namely:—

“3 A. Travel by railway.— A Minister shall have the right to reserve by requisition an ordinary first class compartment when travelling by railway on duty.

Explanation.— For the purposes of this paragraph, a first class compartment means a two-berthed compartment or an air-conditioned coupe, where it is available, or a four-berthed compartment, if a two-berthed compartment or an air-conditioned coupe is not available in the train by which the Minister travels.

3 B. Travel by Steamer.— A Minister shall have the right to reserve by requisition a State

cabin when travelling by steamer between Panaji or Mormugao and Bombay on duty."

Secretariat,

Panaji,

28th February, 1978.

K. C. D. GANGWANI

Secretary to the Government
of Goa, Daman and Diu.

Law Department (Legal Advice)

Notification

LD/779/78

The following Central Acts namely: 1) The Advocates (Amendment) Act, 1977 (Act No. 38 of 1977), 2) The Indian Iron and Steel Company (Shares) Amendment Act, 1977 (Act No. 39 of 1977) which were recently passed by the Parliament and assented to by the President of India on 13-12-77 and published in the Gazette of India, Part II, Section I dated 13-12-77 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 13th February, 1978.

The Advocates (Amendment) Act, 1977

AN

ACT

further to amend the Advocates Act, 1961.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Advocates (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 31st day of October, 1977.

2. *Amendment of section 3.*— In section 3 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), for sub-sections (3) and (3A), the following sub-sections shall be substituted, namely:—

25 of 1961.

"(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(3A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office."

3. *Amendment of section 4.*— (1) In section 4 of the principal Act,—

(i) in sub-section (1), clause (bb) shall be omitted;

(ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

"(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(2A) A person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office."

4. *Amendment of section 8.*— (1) In sub-section (1) of section 8 of the principal Act, for the words "four years", the words "five years" shall be substituted.

(2) The amendment made by sub-section (1) to sub-section (1) of section 8 of the principal Act shall apply also to an elected member of every State Bar Council who has not completed the term of four years at the commencement of this Act.

5. *Amendment of section 15.*— In sub-section (2) of section 15 of the principal Act,—

(i) before clause (d), the following clause shall be inserted, namely:—

"(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;";

(ii) in clause (d), after the words "election to the Bar Council", the words "or to the office of the Chairman or Vice-Chairman" shall be inserted.

6. *Amendment of section 34.*— In section 34 of the principal Act, after sub-section (1A), the following sub-section shall be inserted, namely:—

"(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta may make rules providing for the holding of the Intermediate and the Final examinations for article clerks to be passed by the persons referred to in section 58AG for the purpose of being admitted as advocates on the State roll and any other matter connected therewith."

7. *Insertion of new section 58AG.*— In the principal Act, after section 58AF, the following section shall be inserted, namely:—

"58AG. *Special provisions in relation to article clerks.*— Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December, 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub-section (2) of section 34, before the omission of that sub-section by the Advo-

cates (Amendment) Act, 1976, may be 107 of 1976.
admitted as an advocate on the State
roll if he —

(i) passes, on or before the 31st day of December, 1980, —

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

Explanation. — For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act; and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24."

8. *Repeal and saving.* — (1) The Advocates (Amendment) Ordinance, 1977, is 16 of 1977. hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

The Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977

AN
ACT

to amend the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977.

(2) It shall be deemed to have come into force on the 13th day of October, 1977.

2. *Amendment of section 2.* — In section 2 of the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 89 of 1976. (hereinafter referred to as the principal Act), for clause (h), the following clause shall be substituted, namely: —

'(h) "shareholder" means, —

(i) a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative; or

(ii) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form

prescribed under section 108 of the Companies Act, 1956, and executed 1 of 1956.
in accordance with the provisions of that section; or

(iii) a person who claims under a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956, and delivers such instrument, 1 of 1956.
duly executed, to the Commissioner on or before such date as the Central Government may, by notification, specify in this behalf;'

3. *Amendment of section 7.* — In section 7 of the principal Act, in sub-section (1), —

(i) in the opening paragraph, for the words "within thirty days from the specified date", the words, figures and letters "on or before the 30th day of November, 1977" shall be substituted and shall be deemed always to have been substituted;

(ii) for the proviso, the following proviso shall be substituted and shall be deemed always to have been substituted, namely: —

"Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim before the said date, he may entertain the claim within a further period of thirty days from that date and not thereafter."

4. *Insertion of new sections 7A and 7B.* — After section 7 of the principal Act, the following sections shall be inserted, namely: —

"7A. *Power of Commissioner to inquire into disputes as to persons entitled to any amount.* — Where there is any dispute as to the person or persons who are entitled to any amount payable under this Act (including any dispute as to who are the legal representatives of any deceased claimant to the amount), the Commissioner may, after making such inquiry as he may deem fit, make the payment to such person as appears to him to be best entitled to receive the amount:

Provided that if the Commissioner is unable to determine as to who is the person entitled to the amount and considers that the matter could more appropriately be dealt with by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated, he may refer such dispute to the said court, whose decision thereon shall be final:

Provided further that nothing contained herein shall affect the liability of any person, who may receive the whole or any part of the amount allowed under this Act, to pay the same to the person lawfully entitled thereto.

7B. *Deposit of amount in court.* — Where any dispute has been referred under section 7A by the Commissioner to the civil court referred to therein, he shall deposit the amount in that court."

5. *Repeal and saving.* — (1) The Indian Iron and Steel Company (Acquisition of Shares) Amendment Ordinance, 1977, is 15 of 1977. hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Notification

LD/774/78

The following Central Act namely: The Enemy Property (Amendment) Act, 1977 (Act No. 40 of 1977) which was recently passed by the Parliament and assented to by the President of India on 15-12-77, and published in the Gazette of India, Part II, Section I dated 16-12-77 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 13th February, 1978.

The Enemy Property (Amendment) Act, 1977

AN

ACT

to amend the Enemy Property Act, 1968.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Enemy Property (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 27th day of September, 1977.

2. *Amendment of long title.*—In the long title of the Enemy Property Act, 1968 (hereinafter referred to as the principal Act), after the words and figures “Defence of India Rules, 1962”, the words and figures “and the Defence of India Rules, 1971” shall be inserted. 34 of 1968.

3. *Amendment of section 2.*—In clause (b) of section 2 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Act, 1971 and the Defence of India Rules, 1971” shall be inserted. 42 of 1971.

4. *Amendment of section 3.*—In the proviso to section 3 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

5. *Amendment of section 4.*—In the proviso to section 4 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

6. *Amendment of section 5.*—Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding the expiration of the Defence of India Act, 1971

and the Defence of India Rules, 1971, 42 of 1971. all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of the Enemy Property (Amendment) Act, 1977 shall, as from such commencement, vest in the custodian.”.

7. *Amendment of section 7.*—In section 7 of the principal Act, after the words and figures “Defence of India Rules, 1962”, wherever they occur, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

8. *Amendment of section 8.*—In sub-section (2) of section 8 of the principal Act, in clause (x), after the figures, letters and word “25th October, 1962”, the words, figures and letters “or on the 3rd December, 1971” shall be inserted.

9. *Amendment of section 23.*—In sub-section (3) of section 23 of the principal Act, for the words “or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

10. *Amendment of section 24.*—Section 24 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Every order which was made under the Defence of India Rules, 1971 by the Central Government or by the Custodian of Enemy Property for India appointed under those Rules relating to enemy property and which was in force immediately before the expiration thereof shall, in so far as such order is not inconsistent which the provisions of this Act, be deemed to continue in force and to have been made under this Act.”.

11. *Repeal and saving.*—(1) The Enemy Property (Amendment) Ordinance, 1977 is hereby repealed. 11 of 1977.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification

LD/689/78

The following Notification received from the Government of India, Ministry of Industry New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 14th February, 1978.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF INDUSTRY

Udyog Mantralaya

(Department of Industrial Development)

Audyogik Vikas Vibhag

New Delhi, the 19th January, 1978

Notification

G. S. R. — The following draft rules to amend the Petroleum Rules 1976, which the Central Government proposes to make in exercise of the powers conferred by section 4, sub-section (2) of section 5, sub-section (2) of section 14, sections 21 and 22 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934) are hereby published as required by sub-section (2) of section 29 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after forty-five days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person in respect of the said draft before the date so specified will be taken into consideration by the Central Government.

DRAFT RULES

1. These rules may be called Petroleum (... Amendment) Rules 1977.

2. In rule 2 of the Petroleum Rules 1976 (hereinafter referred to as the said rules) after clause (xii), the following clause shall be inserted, namely: —

“(xii) (a) “hot work” means any work which involves welding, burning, soldering, brazing, sand blasting, chipping by spark producing tools, use of certain power driven tools, non-flameproof electrical equipment or equipment with internal combustion engines and including any other work which is likely to produce sufficient heat, capable of igniting inflammable gases;”.

3. In rule 8 of the said rules —

(a) in sub-rule (1), for the words “fire, welding, hot riveting or brazing”, the words “hot work” shall be substituted;

(b) in sub-rule (2), for the words “for a period of three months”, the words “for a period of at least three months” shall be inserted.

4. In rule 43 of the said rules —

(a) for clauses (c), (d), (e) and (f), the following clauses shall be substituted, namely: —

“(c) no person enters a tank or an enclosed space which had, or is suspected to have, contained petroleum without wearing a breathing apparatus of a type approved by the Chief Controller unless an officer appointed by the Central Government in this behalf has examined the tank or space with the aid of an approved petroleum vapour testing instrument and has been certified by him in writing the said tank or space is free from petroleum vapour;

(d) the vessel does not undergo repair by hot work to any of its tanks, parts or fittings which are likely to contain petroleum vapour or petroleum unless each such tank, part or fitting, as the case may be, has been examined by an officer appointed under clause (c) with the aid of an approved petroleum vapour testing instrument and has been certified by him in writing that the tank, part or fitting is free from petroleum vapour or petroleum;

(e) the vessel used for the carriage of petroleum in bulk as a cargo is not taken among other ships or to a dry dock unless —

(i) the vessel is proceeding to an oil berth, or

(ii) a certificate from an officer appointed under clause (c) to the effect that he has examined all the tanks, cofferdams, pump rooms and such other parts as are deemed necessary with the aid of an approved petroleum vapour testing instrument, and that such tanks, cofferdams, pump rooms and other parts are free from petroleum vapour; and declaration from the Master that to the best of his knowledge there is no petroleum vapour present in other parts of the vessel not covered by the above certificate are produced;

(f) the officer granting a certificate under clause (c) or clause (d) or clause (e) may specify such conditions and make such recommendations as are necessary to maintain gas free conditions of tanks, space or parts certified;”;

(b) clauses (h), (i), (j) and (k) shall be omitted.

(c) the following Note shall be added at the end, namely: —

“Note: — The port authority concerned shall be the authority for the issue of final permission for the purposes of clauses (c), (d) and (e) even though Gas Free Certificates have been obtained from the Officer concerned under clause (c) of this rule.”.

[F. No. 3(8)/77-M.I.]

(I. MAHADEVAN)

Joint Secretary to the Govt. of India.

Notification

LD/606/78

The following Notification received from the Government of India, Ministry of Labour New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 14th February, 1978.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

New Delhi, 13-1-1978

S. O. — The following draft of a notification, which the Central Government proposes to make, in exercise

of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948) is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after a period of two months from the date of publication of this notification in the Official Gazette.

Any objection or suggestions which may be received from any person in respect of said draft before the expiry of the said period of two months will be considered by the Central Government.

DRAFT NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, having regard to the special regulations that have been framed in respect of the service conditions of employees working in vessels, shore stations and survey parties under the Calcutta Port Commissioners, hereby directs that, the provisions of sections 13 and 14 of the said Act shall not apply to the said employees for a period of two years with effect from the date of publication of this notification in the Official Gazette, subject to the following conditions, namely: —

- (i) The Port Commissioner shall publish the said regulations in a pamphlet form in the English language and in the language or the languages understood by the majority of the employees;
- (ii) before making any amendments to the aforesaid regulations, the Port Commissioners shall inform the employees concerned by notice, to be put up on the notice board of the Office of the Port Commissioner of the proposed amendment and shall consider any suggestions that may be made in respect thereof within twenty days of such notice; and
- (iii) a copy of the pamphlet referred to in condition (i) above and a copy of every

amendment thereto shall be supplied to each employee concerned.

Sd/-

HANS RAJ CHHABRA
Deputy Secretary

[No. S-32014(7)/77-WC(MW)]

Government Press

Notice

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